

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part 73 of the)
Commission's Rule to Permit) RM-9395
the Introduction of Digital Audio)
Broadcasting in the AM)
and FM Broadcast Services)

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To: The Commission

COMMENTS OF THE RADIO OPERATORS CAUCUS

The Radio Operators Caucus ("ROC"),^{1/} by its attorneys and pursuant to an FCC public Notice,^{2/} hereby submits its Comments on the Petition For Rulemaking ("*Petition*") filed by USA Digital Radio Partners, L.P. ("*USADR*").^{3/} The Petition asks the Commission to initiate a rulemaking to begin the regulatory process for the introduction of digital terrestrial radio service ("*TDARS*"). The ROC wholly supports TDARS and agrees with USADR's belief that an "in-band, on-channel" ("*IBOC*") digital transmission system would maximize the public interest benefits of TDARS. However, ROC opposes USADR's proposal that the Commission should eventually end protection of analog signals.

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^{1/} The ROC is an informal group of more than 20 radio station owners with hundreds of radio stations in markets throughout the United States.

^{2/} See FCC Public Notice DA 98-2244 released Nov. 6 1998.

^{3/} *In the Matter of Amendment of Part 73 of the Commission's Rules to Permit the Introduction of Digital Audio Broadcasting in the AM and FM Broadcast Services*, RM-9395, filed by USA Digital Radio Partners, L.P. on October 7, 1998.

DISCUSSION

The Commission's leadership and support in the implementation of TDARS will be critical to minimizing disruptions to licensees and the general public. The ROC therefore urges the Commission to swiftly take the necessary steps to address the regulatory impediments to the implementation of TDARS. Specifically, the Commission should approve a rapid and firm timetable for the adoption of TDARS service rules. Moreover, the Commission should find that IBOC is the transmission system that maximizes the public interest benefits of TDARS, and should adopt a transmission standard with the help of the National Radio Systems Committee (NRSC). However, the Commission need not and should not ultimately terminate interference protection for analog transmissions.

1. The Commission Should Fully Endorse Digital Terrestrial Radio.

The Commission has been at the forefront of the introduction of digital television ("DTV"). To facilitate the introduction of that service, the Commission encouraged cross-industry unity, adopted a unified transmission standard, and modified its technical and processing rules to accommodate this new method of broadcasting. The Commission should take an equivalent leadership role to spur the introduction of TDARS.

Such a high-profile leadership approach would conform to the Commission's consistent and long-held stance in favor of terrestrial digital broadcasting. The Commission has consistently proclaimed its commitment to the rapid development and deployment of TDARS, but has lamented the lack of an effective digital transmission system. Just last year, in authorizing satellite digital radio ("SDARS"), the Commission emphasized that:

we continue to support the efforts of industry committees studying technical standards that would allow terrestrial radio broadcasters to convert to digital

transmissions. When it appears that a viable system has been designed, we will act expeditiously to consider changes to our rules to allow AM and FM licensees to offer digital sound.^{4/}

In fact, throughout the entire lengthy SDARS process, both the Commission and individual Commissioners have pledged to support the expeditious deployment of TDARS. In a 1995 SDARS decision, the Commission noted that:

we continue to support efforts to implement terrestrial DARS technology. We believe that existing radio broadcasters can and should have the opportunity to profit from new digital radio technologies, and we anticipate that technical advances will soon permit both AM and FM broadcasters to offer improved digital sound. . . . When the test results indicate the feasibility of implementing such systems, we will act expeditiously to consider any appropriate changes to our rules.^{5/}

Now that USADR has apparently developed a viable design for terrestrial digital radio, and other companies are progressing toward IBOC systems of their own, the Commission should honor its commitment to an expeditious implementation of TDARS service by issuing a NPRM as soon as it is feasible. The Commission should not delay in initiating the regulatory proceedings necessary to bring this important technology to broadcasters and the general public.

2. IBOC Should Be The Preferred Terrestrial Digital Transmission System.

IBOC is not the only possible TDARS transmission system. However, an in-band, on channel system, such as that proposed by USADR^{6/}, offers the greatest potential to minimize the

^{4/} *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, 12 FCC Rcd 5754, at ¶ 13 (1997) ("SDARS Order").

^{5/} *Amendment of the Commission's Rules with Regard to the Establishment and Regulation of New Digital Audio Radio Services*, 10 FCC Rcd 2310, at ¶ 28 (1995).

^{6/} The ROC does not believe it is appropriate at this juncture to endorse the specific system developed by USADR, as other potential IBOC systems have not been evaluated.

administrative, technical and practical burdens that will be imposed by introduction of the new service and should be endorsed by the Commission in the NPRM.

The principal benefit of an IBOC system is that it most efficiently uses scarce spectrum. Because an IBOC system could operate in the same spectrum band currently used by AM and FM licensees, the implementation of TDARS could be achieved without the need to allot any new spectrum. The importance of this spectrum conservation cannot be overstated. To accommodate the introduction of DTV, the Commission was forced to locate and then allocate over 1,500 new television channels -- at 6 Mhz each -- and impose a complex and lengthy system for recapturing spectrum once the transition finishes. It is highly doubtful that there is spectrum available to devote a second channel to each of the almost 13,000 radio stations licensed nationwide. Accordingly, the Commission must choose a TDARS transmission system that does not necessitate the allocation of new spectrum. IBOC is just such a system.

Further, with IBOC, the implementation of digital radio will not disrupt existing service or require significant economic outlays by consumers. Stations will be able to broadcast in an entirely analog, an entirely digital, or dual ("hybrid") mode, without attendant service disruptions that would occur if TDARS operated on different channels.

Employing an IBOC transmission system also will contribute to the overall health and success of the terrestrial radio broadcasting industry. Radio's competitors -- television, cable, direct-to-home satellite and SDARS -- already have begun or completed implementation of digital transmission. Consequently, these providers can offer not only improved audio and visual quality, but can concomitantly offer enhanced ancillary services.

IBOC will permit terrestrial radio to realize the same flexibility in providing service its listeners. As proposed, digital terrestrial radio using an IBOC transmission system will offer CD-quality sound on the FM band and current FM quality sound on the AM band. The improved AM sound quality should facilitate the rejuvenation of this service, while the enhanced FM subcarrier will enable licensees to provide ancillary services that would compete more effectively with those offered by multichannel video providers, television and SDARS.

3. The Commission Should Review Other IBOC System Designs.

While the ROC firmly believes that IBOC would provide the most effective system for TDARS, it recognizes that USADR is not the only company developing an IBOC system. As such, it is not appropriate at this time for the Commission to approve USADR's IBOC transmission standard and technical package. Nevertheless, it is unquestionably the Commission's role to eventually select a single standard to ensure that the implementation of the new service occurs as smoothly as possible for licensees, equipment manufacturers and consumers. As the Commission has acknowledged, a unified transmission standard serves the public interest, for "[b]y providing a requisite level of certainty to broadcasters, equipment manufacturers and consumers, the benefits of digital transmission will be realized more rapidly."^{2/}

ROC understands that the IBOC proponents intend to do their own testing, and suggests that the results of those tests should be evaluated by NRSC, which would render a report to the Commission.

^{2/} *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Fourth Report and Order*, 11 FCC Rcd 17771, at Para. 3 (1996).

4. The Commission Should Quickly Adopt TDARS Rules.

Just as it is not appropriate to immediately adopt a particular IBOC system as the standard, it is also too early to consider adopting definitive rules for TDARS. It is appropriate, however, for the Commission to immediately begin the rulemaking process and establish a time line for the adoption of TDARS service rules to ensure that consumers will reap the fullest benefits of terrestrial digital radio as soon as possible.

In order to hasten the adoption of TDARS Service Rules, the ROC urges the Commission to accept alternative IBOC transmission system proposals for a limited period of time, recognizing that certain IBOC systems are still in the developmental stages. Within six to eight months after that, the Commission, with assistance from NRSC as noted above, should review the various transmission systems and choose one. And, within six to eight months following the naming of the single IBOC system, the Commission should adopt any necessary service or technical rules.

5. There Should Be No Loss of Protection for Analog Transmissions.

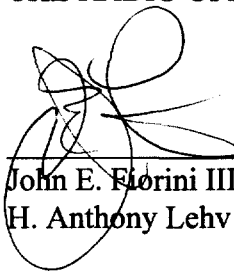
ROC disagrees with the USADR proposal that after a transition period analog transmission should no longer be protected. One of the most important features of the USADR system is that it permits “hybrid” operation, and because TDARS requires no new allocation of spectrum, simultaneous operation in both the analog and digital modes does not implicate issues of spectrum conservation as does, for example, concurrent transmission of analog and digital television signals. Consequently, termination of protection of analog signals is unnecessary and would result in loss of service to those who are unable to afford digital receivers.

CONCLUSION

The Commission should not delay in bringing TDARS technology to broadcasters and the general public. An in-band, on-channel transmission system minimizes the administrative, technical and practical burdens of TDARS implementation and should be adopted. The Commission has the authority and responsibility to choose a single IBOC system and should immediately issue a Notice of Proposed Rulemaking seeking proposals to compete with USADR. The Commission should seek the assistance of NRSC to evaluate the results of the tests conducted by the various proponents. Moreover, in the NPRM, the Commission should adopt and adhere to a short time line for the adopting of an IBOC standard and TDARS service rules. However, the Commission should not terminate protection of analog transmissions. Termination of such protection is unnecessary and could result in millions of Americans being deprived of radio service.

Respectfully Submitted,

THE RADIO OPERATORS CAUCUS



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